

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

United States of America,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 09 C 5149
	)	(08 CR 543)
Marcus M. Tyms,	)	
	)	
Defendant.	)	

MEMORANDUM ORDER

Like the Energizer Bunny, Marcus Tyms ("Tyms") keeps going and going and going. This Court has just learned, via a printout of its pending motions, of Tyms' December 8, 2009 filing of a "Motion for Appointment of Counsel Under Rule 44(a),"<sup>1</sup> and it hastens to address that motion.

This Court's several earlier opinions have dealt with Tyms' containing efforts to undo the sentence that was imposed on him following his guilty plea to extraordinarily disturbing conduct involving sex with a girl whom he knew to be just 13 years old. Most recently this Court's September 25, 2009 and November 16, 2009 memorandum orders -- each characterizing Tyms as "quite an appalling young man" -- explained the reasons for the rejection of Tyms' self-prepared "second or successive motion" attempted to be advanced under 28 U.S.C. § 2255.

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<sup>1</sup> Tyms did not comply with this District Court's rule that a hard copy of every filed document must be submitted by the filing party, to serve as the chambers copy for the judge assigned to the case.

Because it is for the Court of Appeals (and not this Court) to determine whether Tyms should be permitted to proceed with his most recent effort, which this Court views as frivolous, it denies the motion for the the appointment of counsel. If the Court of Appeals decides to permit Tyms to proceed and does not itself appoint counsel to assist him in doing so, and if it then requests this Court to act on his request, this Court will of course do so.

A handwritten signature in black ink, reading "Milton I. Shadur". The signature is written in a cursive, flowing style.

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Milton I. Shadur  
Senior United States District Judge

Dated: December 21, 2009